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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Dawn Janczweski, individually; and
Dwayne Brott, individually,

Plaintiffs,

vs.

Comedy On Deck Tours, INC., a Nevada
corporation; Gary Griep and Jane Doe
Griep, a married couple; Black Corporations
I – XX; White Partnerships I-Xx; And Does
I -XX;

Defendants.

Eddie Junior Blocker, An Individual;
Sandra Jean Mcdougal, an Individual,

Plaintiffs,

and

Comedy On Deck Tours, Inc., A Nevada
Corporation; Doe Driver, An Individual;
Roe Bus Owner; An Individual; Does 1
Through 40; Roe Corporations 1 Through
40; Doe Employees 1 Through 40; Doe
Negligent Employees 1 Through 40; Doe
Negligent Employers 1 Through 40; And
Roe Negligent Corporations 1 through 40,
inclusive,,

Defendants.

Case No.: CV-21-08067-PCT-SMB

**NOTICE OF REMOVAL AND MOTION TO
CONSOLIDATE**

(Assigned to the Honorable Susan M. Brnovich)

NEVADA CASE NO: A-21-828545-C

1 Naviv Rodriguez, an Individual; Laysuan
2 Gonzalez, an Individual,

3 Plaintiffs,

4 and

5 Comedy On Deck Tours, INC., a Nevada
6 corporation; Gary Griep, an individual;
7 Roe Bus Owner; an Individual; Doe
8 Individuals 1 Through 40; Roe
9 Corporations 1 Through 40; Doe Installers
10 1 Through 40; Roe Sellers 1 Through 40;
11 Doe Employees 1 Through 40; Roe
12 Designers 1 Through 40; Roe Bus
13 Manufacturers 1 Through 40; Roe Bus
14 Distributors 1 Through 40; Roe Bus
15 Component Part Designer 1 Through 40;
16 Roe Bus Component Part Manufacturers 1
17 Through 40; Roe Bus Component Part
18 Distributors I Through 40; Doe Negligent
19 Employers I Through 40; Doe Negligent
20 Employees 1 Through 40; Roe Negligent
21 Corporations 1 Through 40;

22 Defendants.

23 Ryan Mikula, individually; and Tammi
24 Wilber Individually,

25 Plaintiffs,

26 and

Comedy On Deck Tours, INC., a Nevada
corporation; Gary Griep and Jane Doe
Griep, husband and wife; John Does I-X;
Jane Does I-X; Black Corporations I-X;
and White Partnerships I-X;

Defendants.

NEVADA CASE NO: A-21-836467-C

MOHAVE COUNTY SUPERIOR COURT
CASE NO: S8015CV202200079

Defendants, Gary Griep and Comedy On Deck Tours, INC, hereby request to consolidate these cases, in which Dawn Janczewski, Dwayne Brott, Eddie Junior Blocker, Sandra McDougal, Naiviv Rodriguez, Laysuan Gonzalez, Ryan Mikula and Tammi Wilber are Plaintiffs and Comedy On Deck Tours, INC. and Gary Griep are Defendants. This motion is supported by the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND BACKGROUND

Janczewski v. Comedy on Deck Tours, Inc., et al, *Blocker v. Comedy on Deck Tours, Inc., et al* and *Rodriguez v. Comedy on Deck Tours, Inc.* *Mikula v. Comedy on Deck Tours, Inc.*, arises from a single vehicle traffic accident involving Plaintiffs as passengers on Defendant Comedy on Deck Tours, Inc.'s bus. The accident, allegedly caused by Comedy on Deck, Inc., occurred on January 22, 2021 in Mohave County, Arizona.

Janczewski v. Comedy on Deck Tours, Inc., et al, is a claim for alleged damages resulting from personal injury of Ms. Janczewski and Mr. Brott alleged to be sustained in the accident on January 22, 2021.

Blocker v. Comedy on Deck Tours, Inc., et al, is a case filed in the District Court of Clark County Nevada that arises out of the same accident on January 22, 2021 in Mohave County, AZ. This is a claim for the personal injuries sustained by Mr. Blocker and Ms. McDougal in the subject accident.

Rodriguez v. Comedy on Deck Tours, Inc., et al, is a case filed in the District Court of Clark County Nevada that arises out of the same accident on January 22, 2021 in Mohave County, AZ. This is a claim for the personal injuries sustained by Mr. Rodriguez and Ms. Gonzalez in the subject accident.

1 *Mikula v. Comedy on Deck Tours, Inc., et al*, is a claim for alleged damages resulting from
2 personal injury of Mr. Mikula and Ms. Wilber alleged to be sustained in the accident on January
3 22, 2021.

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6 **II. ARGUMENT**

7 When actions present common questions of law of fact, the Court may, in the interests of
8 convenience and judicial economy, consolidate the actions. *See Federal Rule of Civil Procedure*
9 42(a). Here, in these cases, Plaintiffs' injuries and damages arise out of the same incident and
10 present common questions of law of fact.

11 These cases all arise from the same operative nucleus of facts: The Defendant's alleged
12 failure to control his vehicle causing a rollover accident. The law governing and remedies for those
13 tortious harms will likewise be identical.

14
15 Additionally, there is no question that consolidation will ease the burden and expense of
16 litigation for the parties. Fact and expert discovery, including extensive deposition discovery, will
17 be required to address the validity issues common to both cases. There is no legitimate reason to
18 force the parties to double these efforts by simultaneously proceeding on multiple discovery tracks.
19 Judicial economy and convenience strongly weigh in favor of consolidation.

20
21 Pursuant to 28 U.S.C. 1441(b), the Defendant may remove to the District Court of the
22 United States, for the district and division embracing the place where such action is pending, any
23 civil action brought in a state court of which the district courts of the United States have Original
24 Jurisdiction via diversity of citizenship as defined in 28 U.S.C. 1332.

1 By virtue of 28 U.S.C. 1332(a)(1) this action is eligible for removal as the Plaintiffs are
2 self-professed residents of Wisconsin, the Defendants are a Nevada corporation or Nevada resident
3 and the amount in controversy as alleged by the Plaintiffs' exceeds \$75,000.

4 By virtue of the foregoing, the Defendants Comedy On Deck Tours, Inc. and Gary Griep
5 hereby removes this action to the United States District Court for the District of Arizona.
6

7 **III. CONCLUSION**

8 For the foregoing reasons, Defendants Griep and Comedy on Deck Tours, Inc. in both CV-
9 21-08067-PCT-SMB and NEVADA DISTRICT COURT OF CLARK COUNTY CASES NOS:
10 A-21-828545-C and A-21-836467-C and SUPERIOR COURT OF ARIZONA IN AND FOR THE
11 COUNTY OF MOHAVE CASE NO: S8015CV202200079, respectfully request the Court order
12 consolidation of CV-21-08067-PCT-SMB, NEVADA DISTRICT COURT OF CLARK
13 COUNTY CASES NO: A-21-828545-C and A-21-836467-C, and SUPERIOR COURT OF
14 ARIZONA IN AND FOR THE COUNTY OF MOHAVE CASE NO: S8015CV202200079 for all
15 further proceedings.
16

17 Finally, these cases are being defended under insurance policies. While the limits are
18 believed to be sufficient to pay any and all settlements/judgments, there is always the possibility
19 of a "run away verdict" and that would expose the cases going to trial later than the cases going to
20 trial earlier to losing the "race to the courthouse." There is no basis to prefer one claimant to any
21 others, and that further militates in favor of one trial for all claims which arise from this single
22 accident.
23

24 WHEREFORE, these Defendants respectfully request that all these claims be consolidated
25 with the Janczweski v. Comedy on Deck Tours, Inc., et al, Action No. CV-21-08067-PCT-SMB.
26

1
2 DATED THIS 25th DAY OF APRIL 2022.
3
4

5 WEES LAW FIRM, LLC

6 By: /s/ James F. Wees

7 James F. Wees

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9 Phoenix, Arizona 85012

10 Attorney for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on April 25th, 2022, I electronically transmitted the attached document to the Clerk's Office using the ECF System for filing, thereby transmitting a Notice of Electronic Filing to all ECF registrants.

COPY of the foregoing e-mailed this 25th day of April, 2022, to:

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13 By: /s/ Damian M. Zimmer
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